

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

AKEISHA MARSHALL and
DARQUISHA LOVELACE,

Plaintiffs,

v.

DRIVETIME CAR SALES
COMPANY, L.L.C., DRIVETIME
AUTOMOTIVE GROUP, INC.,
CORVEL CORPORATION, and
DOES 1-10,

Defendants.

Civil Action File No.: _____

*[Removed from DeKalb County
Superior Court]*

NOTICE OF REMOVAL

COME NOW DriveTime Car Sales Company, LLC, DriveTime Automotive Group, Inc., and CorVel Corporation, party defendants in the above-styled case, and within the time prescribed by law file this Notice of Removal, and respectfully show to the Court the following facts:

1.

Plaintiffs filed suit against Defendants in the Superior Court of DeKalb County, State of Georgia for personal injuries allegedly incurred as a result of a parking lot car accident. The suit is styled as above and numbered Civil Action File

No. 22CV3737 in that court.

2.

DriveTime Car Sales Company, LLC is an Arizona limited liability company with a principal place of business in Arizona. DriveTime Car Sales Company, LLC is not a citizen of the State of Georgia, was not a citizen of the State of Georgia on the date of filing of the aforementioned civil action and has not since become a Georgia citizen. The sole member of DriveTime Car Sales Company, LLC is DriveTime Automotive Group, Inc.

3.

DriveTime Automotive Group, Inc., is incorporated in Delaware with a principal place of business in Arizona. DriveTime Automotive Group, Inc., is not a citizen of the State of Georgia, was not a citizen of the State of Georgia on the date of filing of the aforementioned civil action and has not since become a Georgia citizen.

4.

CorVel Corporation is a Delaware corporation with a principal place of business in Texas. CorVel Corporation is not a citizen of the State of Georgia, was not a citizen of the State of Georgia on the date of filing of the aforementioned civil action and has not since become a Georgia citizen.

5.

Upon information and belief, Plaintiffs Akeisha Marshall and Darquisha Lovelace are residents of the State of Georgia who have been residents of Georgia continuously since March 5, 2020 and have no plans to move outside of the state of Georgia for the foreseeable future. *See* Plaintiffs' Complaint for Damages, a true and accurate copy of which is attached hereto as **Exhibit "A"**. Plaintiffs were not citizens of the States of Arizona, Delaware or Texas on the date of filing the aforementioned civil action, have not since become citizens of Arizona, Delaware or Texas and intend to remain in Georgia indefinitely.

6.

Defendant DriveTime Car Sales, LLC was served with the Summons and Complaint for Damages on April 14, 2022 and DriveTime Automotive Group, Inc. was served on May 3, 2022. As of the date of this filing, Defendant CorVel Corporation has not been served. In Plaintiffs' Complaint they allege they suffered unspecified "physical injuries," including continuing medical expenses in excess of \$172,000 and unspecified amounts of other special, general and punitive damages. *See* Plaintiffs' Complaint for Damages, ¶¶ 43-53.

7.

As shown above, the amount in controversy will exceed the sum of

\$75,000.00, exclusive of interest and costs.

8.

The aforementioned civil action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332 and, accordingly, is one which may be removed to this Court by Defendants/Petitioners pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action in which the matter in controversy will exceed the sum of \$75,000.00 exclusive of interests and costs, and is between citizens of different states.

9.

The earliest that any Defendant was served with the Summons and Complaint was April 14, 2022. This Notice is filed within 30 days thereof pursuant to the requirements of 28 U.S.C. § 1446(b).

10.

Pursuant to the provisions of 28 U.S.C. § 1446 Defendants have attached hereto copies of all process, pleadings, and orders served upon them in this case, such copies being marked **Exhibit "B."** In addition, Defendants show that they have already answered the lawsuit in the state court action referenced above and a copy of that Answer is attached hereto as **Exhibit "C."** There are no motions pending in the State Court of DeKalb County, Georgia at the time of filing this Notice of

Removal.

11.

Venue properly rests in the Atlanta Division of the United States District Court of the Northern District of Georgia, as this case is being removed from the State Court of DeKalb County, Georgia, which sits in the Atlanta Division of United States District Court for the Northern District of Georgia. A Notice of Filing Notice of Removal to Federal Court will be filed with the Superior Court of DeKalb County, Georgia.

WHEREFORE, Defendants pray that the case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 13th day of May, 2022.

Respectfully submitted,

SWIFT, CURRIE, MCGHEE & HIERS, LLP

/s/ Erica L. Morton

Erica L. Morton, Esq.
Georgia Bar No.: 140869
Attorney for Defendants

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CERTIFICATE OF COMPLIANCE

Counsel hereby certifies that this document has been prepared with one of the font and point selections approved by the Court pursuant to L.R. 5.1(C) of the Northern District of Georgia, specifically, 14 point, Times New Roman font.

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CERTIFICATE OF SERVICE

I certify that I have electronically filed the *Notice of Removal* with the Clerk of Court using the CM/ECF (Pacer) system which will automatically send email notification of such filing to the following attorneys of record:

Ramin Kermani-Nejad, Esq.
KERMANI FIRM, LLC
1718 Peachtree Street NW, Suite 489
Atlanta, GA 30309
Email: rk@kermanillp.com

[Signature on following page.]

This 13th day of May, 2022.

Respectfully submitted,

SWIFT, CURRIE, MCGHEE & HIERS, LLP

/s/ Erica L. Morton

Erica L. Morton, Esq.
Georgia Bar No.: 140869
Attorney for Defendants

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